

killed, claimed that "the best way to honor all those who lost their lives in the war on terrorism is to continue to wage a broad war and spread freedom throughout a dangerous part of the world." What a shameful thing that was to say.

It is clearly time for a new national security policy. I have introduced H. Con. Res. 392 to create a SMART security platform for the 21st century. SMART stands for Sensible Multilateral American Response to Terrorism. SMART security treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships. It controls the spread of weapons of mass destruction with aggressive diplomacy, strong regional security arrangements, and vigorous inspection regimes. SMART security invests in the development of impoverished nations to prevent terrorism from taking root in the first place.

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SMART security is about preventing war, as opposed to preemptive war. It emphasizes brains over brawn. It is tough, but diplomatic; aggressive, but peaceful; pragmatic, but idealistic.

President Bush loves to think that those who support his efforts in Iraq are patriotic, and those that think there is a better way are unpatriotic, or, worse, un-American. But I can think of nothing more patriotic than pursuing a national security policy that protects America by relying on the noblest of American values: our capacity for global leadership, our compassion for the people of the world, our commitment to peace and freedom.

The SPEAKER pro tempore (Mr. PEARCE). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

COURT RULING UPHOLDS BARBARIC AND BRUTAL PRACTICE OF PARTIAL-BIRTH ABORTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. KING) is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Speaker, I come to the House floor tonight on a very sad occasion, a day that marks a third Federal district court ruling upholding the barbaric and brutal practice of partial-birth abortion. Once again, the ethics and morality of the American people and Congress have been trumped by an activist Federal judge. As a result of this judicial arrogance, more innocent children will be gruesomely and barbarically killed by partial-birth abortions.

The practice of inducing birth for the sole purpose of brutally murdering an

innocent child has absolutely no place in civilized society, and it is an outrage to let a handful of lifetime-appointed judges overrule the will of the American people and essentially sentence these babies to death.

Today's court opinion especially drips with contempt for Congress and the people who elected their Representatives. Congress passed the partial-birth abortion ban with overwhelming support. These courts have displayed utter contempt for the factual findings of Congress, which proved that the legislation was constitutional. Congress decided, based on years of testimony by countless medical experts, that partial-birth abortion is never medically necessary. These three Federal district courts have now simply brushed aside this finding, those courts being in California, New York, and now today's ruling from Nebraska.

Both the California and Nebraska courts based their rulings on the idea that an expert witness must actually perform partial-birth abortions in order to be a credible expert. This is ludicrous. These witnesses, the good witnesses on our side, do not perform partial-birth abortions because, as they testified, they are never medically necessary, and the procedure endangers women. It would be malpractice for physicians to perform a procedure that they know to be unnecessary and injurious to their patients.

Both judges also said that those witnesses who supported the ban because they were prolife could not be objective about the procedures. These judges cannot seriously claim that the plaintiffs' trial experts for whom abortion is a business were not biased in favor of abortion.

Judge Kopf, the author of today's decision and also the decision in *Stenberg v. Carhart*, the infamous decision from Nebraska's State ban, did not even attempt to hide his support for the practice of abortion, and this is a quote from his opinion: "I do not use the term 'abortionist' pejoratively. So long as abortion is legal, doctors who perform abortions and who properly concentrate on the health of the female patients will be treated in this court with the same high degree of respect as fetal and maternal specialists who do not perform abortions and who properly divide their loyalties between the health of the fetus and the health of its mother."

That, Mr. Speaker, is a modern-day equivalent of the Nazi prison guard saying "I was just following orders." It was all legal in Nazi Germany at the time.

These three judges have overruled the will of the people, expressed through their elected representatives, by declaring the partial-birth abortion ban unconstitutional. They stepped outside the bounds of their judicial roles delineated by the Constitution and are vetoing legislation from the bench.

No cover provided by inferior courts will shield the Supreme Court from the

ire of the public or this Congress if the Court rules against the will of the people and the highest standard of fact-finding conducted by Congress in passing this ban.

Our Founders assigned the legislative role to Congress because, among other reasons, we are accountable to the people. If Americans do not agree with the partial-birth abortion ban, they can vote against the elected officials who supported it. Unelected lifetime-appointed judges are not accountable to the people unless impeachment proceedings are brought in the House of Representatives. That is the only way. We must rein in the runaway judiciary, even if that means bringing impeachment procedures. We as Members of the constitutionally established legislative branch must stand up for our Constitution against judges who ignore it.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DEMOCRACY NOT PREVAILING WITH REGARD TO OVERTIME REGULATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, here we are again debating overtime in the Labor, Health and Human Services bill.

I feel like it was just last year when we had this same debate, because we did. Last year I supported a Democratic overtime pay amendment which proposed to prohibit the Department of Labor from using funds to enforce any regulation that would cut overtime pay. When the amendment was voted on in the House, the Republican majority blocked its passage.

However, the Senate approved an amendment offered by Senator HARKIN to block the Bush administration from issuing the overtime changes, protecting people's overtime. The House then reversed course, against leadership's advice, and bipartisanly voted to instruct the negotiators to instruct the Harkin language, therefore preserving workers' overtime. Even though both the House and Senate voted to protect overtime, a few hand-picked Republicans on the conference committee, all doing the bidding of President Bush and the Republican leadership, removed those protections from the bill.

The Economic Policy Institute study calculates that under the revised Bush overtime rules, kindergarten and nursery school teachers, firefighters, police, nurses and hundreds of thousands of other workers would lose an average of \$250 a week in overtime pay. Millions more lose future eligibility for it.